

OCT 10 2001

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9 RACHEL A. JOSEPH: My name is Rachel A. Joseph,
10 and I am the Tribal Chairwoman for the Lone Pine
11 Paiute-Shoshone tribe located here in Lone Pine,
12 California. Our address is Post Office Box 747, Lone
13 Pine, California 93545.

14 We object to the proposed siting of the
15 repository at Yucca Mountain. The proposed site is in
16 the homelands of our people, lands that we have occupied
17 since time immemorial. In the years that we have
18 followed the process we have not heard of another native
19 tribe in either Nevada or in this area that supports the
20 project.

21 Among our major objections is the fact that
22 alternative options have not been seriously considered.
23 It seems blatantly unfair that our communities are
24 expected to store this waste, since most of this waste
25 is generated back east.

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1 We also have objection to the production of
2 site specific guidelines. The only time site specific
3 guidelines could be appropriate is if the guidelines are
4 being made more stringent because of the type of waste

5 that is being dealt with, when in fact the new
6 regulations have less stringent standards, thereby
7 allowing resumption of site evaluation and likely
8 recommendation for approval.

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9 The draft EIS or the DEIS proposes nuclear
10 waste surface blending and aging and transportation of
11 waste to the Yucca Mountain site to be considered
12 separately for purposes of site suitability. It appears
13 to us that by breaking them up in separate components
14 for evaluation does not provide for an evaluation of
15 cumulative effects or cumulative effect, which we think
16 is contrary to the Development Environmental Impact
17 Statements.

18 The DEIS does not identify a preferred option
19 for each component. Further it does not provide an
20 integrated description of a clearly defined proposed
21 action. As a result, it is not clear the DOE has
22 bounded the environmental impacts that could arise from
23 the repository.

24 The assessment of cumulative impacts in the
25 DEIS does not fully address the impacts associated with
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1 past, present and reasonably foreseeable future actions

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2 relating to ground water use, land use and cultural and
3 biological resources.

4 The DEIS identifies the transportation of the
5 waste as one of the components necessary for a
6 repository. As such, we believe that the transportation
7 connected with this activity should be considered an
8 integral part of the Yucca Mountain project and included
9 in a final evaluation or Environmental Impact Statement.

10 The DEIS does not fully address mitigative
11 measures for Native American interests, including
12 several measures presented by the American Indian
13 Writers Sub-Group in 1998. Such ways to alleviate the
14 severity of the effect to Native American cultural,
15 religious, subsistence, recreational, ceremonial and
16 associated uses of Yucca Mountain have not been
17 addressed.

18 The final EIS should include an assessment of
19 the potential impacts of removing a large area from
20 other possible uses. This withdrawal could preclude or
21 limit use of the land at other times for purposes by the
22 public or by Native Americans. Development of water
23 resources on this land by private individuals,
24 businesses, industry, or the State of Nevada might be

25 prohibited. These impacts are not fully assessed by the
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1 DEIS.

2 The DEIS concludes that three centimeters is
3 the maximum thickness of volcanic tephra that could be
4 deposited on repository facilities from a basaltic
5 volcano that erupts within the area around the proposed
6 repository site.

7 The basis for this conclusion is the statement
8 that 3 cm of volcanic tephra is the worst case event
9 being considered. This conclusion does not appear to be
10 supported by data or the analyses done.

11 The discussion of toxic materials should be
12 consistent with the current waste package design at the
13 time of the final EIS. DOE should provide the technical
14 basis for waste package corrosion rates and should
15 provide technical support for claims that exposure to
16 potentially toxic materials released by waste package
17 corrosion is minimal.

18 The DEIS did not identify a preferred option
19 for each component of a possible geologic repository,
20 and the SDEIS, the supplemental DEIS, does not define a
21 preferred option for the design of a repository.

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22 Consequently, it is not clear to us what environmental
23 impacts could arise from a repository that has been
24 bounded.

25 The SDEIS provides several new design and
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1 operational features proposed to meet thermal criteria,
2 DOE should insure that sufficient information is
3 provided to enable assessment of the direct, indirect
4 and cumulative impacts.

5 Foremost among the new facilities is the
6 proposed separate at surface fuel aging area. Aging
7 time is directly related to potential impacts associated
8 with surface storage of this waste. However, only
9 limited impact analysis of this new design feature has
10 been provided in either the SDEIS or the SNER.

11 There is a similar concern regarding the
12 proposed blending pool in the waste handling building
13 with a proposed design capacity of 5,000 MTHM, and
14 that's in reference to Page 2-15.

15 It is not apparent that DOE has prepared an
16 impact analysis of this major new design feature. In
17 fact, I think that in the years that we have watched the
18 work related to this site we have always thought in

19 terms of all the waste being stored underground. And
20 now, with the proposal to do the blending and the aging
21 process on top, we think that an adequate EIS should
22 thoroughly study the cumulative impacts. And that's not
23 the approach that's being taken and it seems to me
24 that's contrary to the responsibility of the Department
25 of Energy.

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1 We live close to the area. Our people have
2 traversed, you know, miles and miles of the states among
3 us. We're related to people in Nevada, many of us.
4 Many of us have family, and they have family here.

5 You know, we're concerned about our cultural,
6 our gathering practices that our people have enjoyed and
7 believed in for years. We believe that these will be
8 affected. And we think that the Department of Energy
9 has a legal responsibility, in fact has a fiduciary
10 responsibility to Indian tribes to insure that our
11 interests are protected, and we believe that the process
12 for consultation has not been adequate, and consequently
13 the DOE has not fulfilled its responsibility to the
14 tribes.

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